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Attorneys for Plaintiff
Network Video Technologies, Inc.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NETWORK VIDEO
TECHNOLOGIES, INC.,

Plaintiff,

v.

NITEK INTERNATIONAL, LLC;
and DOES 1-10,

Defendants.

Civil Action No. C-08-2208 MHP

**PLAINTIFF'S PROVISIONAL
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION**

CURRENT DATE:

DATE: July 28, 2008
TIME: 2:00 P.M.
CRTM: "15"

PENDING NEW DATE:

DATE: September 15, 2008
TIME: 2:00 P.M.
CRTM: "15"

To the Court:

Plaintiff, Network Video Technologies ("NVT") hereby submits this provisional opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction. Plaintiff believes that this Court has subject matter jurisdiction and that Defendant's Motion should be denied.

Pursuant to the Court's request, the parties have met and conferred and selected a new hearing date of **September 15, 2008** for Defendant's Motion. They have also

1 agreed on a briefing schedule for said Motion. A Stipulation and Proposed Order
2 reflecting the agreement of the parties was submitted on June 24, 2008 and is pending
3 approval by the Court.

4 The parties, including the moving party, are in agreement that Plaintiff need not
5 submit its opposition to Defendant's Motion based on the original hearing date of July
6 28, 2008. Instead, Plaintiff is to submit that opposition in accordance with the agreed
7 schedule or at any other time the Court directs should the pending Stipulation not be
8 acceptable to or the new date not convenient for the Court.

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10 DATED: July 7, 2008

THE HECKER LAW GROUP, PLC

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12 By: 

Gary A. Hecker, Esq.

13 James M. Slominski, Esq.

14 Attorneys for Plaintiff

15 Network Video Technologies, Inc.
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